

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## MEMORANDUM

**TO:** Mayor and Council  
**FROM:** Susie Byrd, City Representative, District #2  
**DATE:** March 27, 2006  
**RE:** City Council Agenda Item for March 28, 2006

~~~~~  
Dear Mayor and Council:

For your review and consideration, I am providing information regarding the item I have posted on Tuesday's agenda:

Discussion and action on unlicensed or minimally licensed homes and/or facilities operating in El Paso city limits and rendering care to the mentally and physically disabled.

Through a zoning case in my district for the Vega Foster Home, I became aware of a situation in which Mental Health Mental Retardation (MHMR) is placing individuals with severe mental illness in lodging homes that are basically unregulated or minimally regulated. MHMR receives federal, state and some local dollars to provide care and treatment for the mentally ill, mentally retarded and physically disabled in our community. Their board is appointed by the City, the County and Thomason Hospital District. In the last several years, their budget has been dramatically cut making it increasingly more difficult to provide care to those who most need it.

At the same time that the zoning case came up in my district, Terry Hammond, a local attorney was appointed as guardian ad litem for 13 people who currently reside at or have recently resided at the Stagecoach Motel and for 14 residents of the facility in my district. Both of these facilities are lodging homes and the residents of the homes have diagnosis that includes schizophrenia, major depression, mental retardation and/or bipolar disorder.

There is no specified minimal standard of care for the individuals placed in these lodging homes. Many individuals with mental illnesses who want to live independently still require supportive housing that includes clinical and nursing care.

The lodging home in my district is an addition on the rear of the home in a residential neighborhood which is capable of housing 18 people. The home is licensed by the City-County health district as a "boarding home" under an archaic city ordinance for the regulation of boarding homes for those of "unsound mind." (see attached)

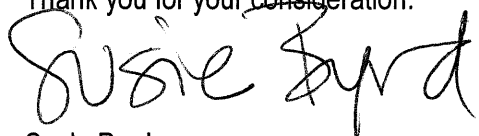
The neighbors around the facility in my district have complained of begging for food, begging for money and lewd behavior. The police have received as many as 100 calls in the last year for this facility. They have received over 100 calls to the Stagecoach Motel. Mr. Hammond has visited both facilities and has concerns about the quality of care provided to the individuals placed there by MHMR.

I am asking for your support and consideration for the following:

- Direct the City Attorney's office to make a determination about how best to regulate these lodging homes that are not currently being monitored by the state or MHMR.
- Direct the City staff to provide some analysis of our contractual relationship with MHMR and the current state of affairs and provide some options for how best to improve the standard of care in these lodging homes (Ex. Do we negotiate with MHMR to insist that they make placements within some concerns for standards of care and impacts on neighborhoods? Do we need to include this in our state legislative agenda?)

Any other thoughts or ideas on how best to address this would be much appreciated.

Thank you for your consideration.

A handwritten signature in black ink that reads "Susie Byrd". The signature is fluid and cursive, with the first name "Susie" and last name "Byrd" clearly distinguishable.

Susie Byrd  
City Council Representative  
District 2

## **El Paso Municipal Code**

### **Chapter 17.08, Article IV. Lodging Houses for Persons of Unsound Mind**

- 17.08.160 Permit--Required.

It is unlawful to maintain or operate a lodginghouse for persons of unsound mind without a permit from the director of the El Paso city-county health district. (Ord. 10975 § 1, 1992)

- 17.08.170 Permit-Application—Contents.

The director may require additional information reasonably bearing on the fitness of the applicant and of the proposed location

- 17.08.190 Permit—prohibited locations.

No permit required in Section 17.08.160 shall be issued for any location in a dwelling or apartment house district as the same are defined in the zoning ordinance, unless a special exception for such location shall have been granted by the zoning board of adjustment, or for any other location which may not be reasonably suited to such purpose consistently with the safety and protection of the public and of the persons accommodated therein. (Prior code § 13-16)

- 17.08.200 Permit—Issuance?Duration.

The permit required in Section 17.08.160 and the same shall remain effective until revoked or until a change of conditions renders such applicant or such location unsuitable; the operation of such lodginghouse may be prohibited or further restricted by law at any time. (Ord. 10975 § 3, 1992)